

FEB 02 2009

Application Serial No. 10/591,020  
Reply to office action of November 6, 2008

PATENT  
Docket: CU-5023

**REMARKS/ARGUMENTS**

Reconsideration is respectfully requested.

Claims 1-11 are pending before this amendment. By the present amendment, claim 1 is amended and no new matter has been added. Claim 1 is amended herein solely for the purpose of clarity, and all other claims remain unchanged. All amendments and remarks/arguments herein are made without prejudice.

The Data Communication Channel (DCC) available to respective network elements may be different from each other. Data transmission between network elements has been conventionally performed using a default DCC bandwidth (specification page 1 [0003]-[0004]). In the present invention, a comparison is made of a received DCC negotiation message (e.g. the bytes available to the transmitting end of the opposite DCC) with the bytes available to the receiving end of its own DCC (specification page 7 [0054]) in order to negotiate bandwidth of a newly-configured DCC. That is, the DCC is re-configured after DCC bandwidth negotiation (see, e.g., specification page 8 [0062]). As such, automatic establishment of a DCC with broadest bandwidth between network elements can be established.

In the office action (page 2), claims 1-11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,795,451 (Giorgetta).

The applicant respectfully traverses this rejection.

Giorgetta discloses a method for generating an auxiliary communication link.

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In contradistinction, claim 1 of the present invention claims a method for negotiating bandwidth of a Data Communication Channel (DCC) automatically, and **not** a method for generating a communication link.

In the office action (page 2), the examiner alleges that Giorgetta at col. 1 lines 1-5 and col. 2, lines 1-47 discloses the present invention of claim 1. The applicants respectfully disagree. Giorgetta, in col.1 lines 1-5 and col.2 lines 1-47, discloses a method for generating an auxiliary communication link, which is different from the present invention as claimed in claim 1. In Giorgetta, the method for generating an auxiliary communication link comprises:

"receiving a first stream of information; organizing the information into a frame structure which includes a selectable group of overhead bits for synchronization of the frame, and a selectable group of overhead bits to communicate an auxiliary message; selecting the group of synchronization bits to read; in response to reading the group of synchronization overhead bits, synchronizing the information into the frame structure; selecting the group of auxiliary message overhead bits; and in response to reading the auxiliary message group of overhead bits, recovering an auxiliary message." Giorgetta col. 1, line 65 to col. 2, line 10

It should be clear that Giorgetta is directed to a method for establishing an auxiliary communication link that is synchronized with a primary communication link, and there is no description of negotiation between a transmitting end and a receiving end of the auxiliary communication link.

In contadistinction, according to claim 1 of the present invention, the network element at the transmitting end informs the network element at receiving end of a DCC negotiation message via the pre-configured DCC, the network element at the receiving end then compares overhead bytes contained in the DCC negotiation message with overhead bytes available to itself, so as to obtain an intersection (the intersection being overhead bytes) for constructing a DCC available to the two network elements. The

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overhead bytes of the intersection are used as bandwidth of the DDC. In this way, the bandwidth of the DCC is negotiated.

Accordingly, as discussed above, Giorgetta does not disclose at least the following elements of claim 1:

—informing, by the network element at transmitting end of the DCC, the network element at receiving end of the DCC of a DCC negotiation message via the DCC; after receiving the DCC negotiation message, the network element at the receiving end comparing overhead bytes contained in the DCC negotiation message with overhead bytes available to the network element at the receiving end, to obtain an intersection, which are overhead bytes, for constructing a DCC, available to both the network elements, wherein the overhead bytes as bandwidth of the DCC are used to perform a second DCC configuration in the same order, so as to establish the DCC—

As such, the applicants respectfully submit that Giorgetta does not disclose each element of the present invention of claim 1; and therefore, the present invention is not anticipated by Giorgetta. An indication of allowable subject matter with respect to claim 1 is respectfully requested.

Further, as discussed above, Giorgetta simply discloses a method for generating an auxiliary communication link, but does not disclose or even remotely suggest any type of bandwidth negotiation between two network elements. Therefore, there is no teaching, suggestion or motivation to modify the teachings of Giorgetta to produce the claimed invention. Therefore, claim 1 of the present invention is non-obvious over Giorgetta.

Regarding claims 2-11, the applicants respectfully submit that these claims are allowable at least since they depend from claim 1, which is now considered to be in condition for allowance for the reasons above.

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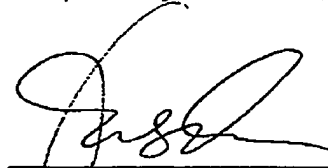
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For the reasons set forth above, the applicants respectfully submit that claims 1-11 pending in this application are in condition for allowance over the cited references. Accordingly, the applicants respectfully request reconsideration and withdrawal of the outstanding rejections and earnestly solicit an indication of allowable subject matter.

This amendment is considered to be responsive to all points raised in the office action. Should the examiner have any remaining questions or concerns, the examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,

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